

HOUSE JOINT RESOLUTIONS

PROPOSED CONSTITUTIONAL AMENDMENTS—HUSBAND AND WIFE—INCOME FROM SEPARATE PROPERTY—AGREEMENTS

H. J. R. No. 54

Proposing a constitutional amendment allowing spouses to agree that income or property arising from separate property is to be separate property.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article XVI, Section 15, of the Texas Constitution be amended to read as follows:

Sec. 15. All property, both real and personal, of a spouse owned or claimed before marriage, and that acquired afterward by gift, devise or descent, shall be the separate property of that spouse; and laws shall be passed more clearly defining the rights of the spouses, in relation to separate and community property; provided that persons about to marry and spouses, without the intention to defraud pre-existing creditors, may by written instrument from time to time partition between themselves all or part of their property, then existing or to be acquired, or exchange between themselves the community interest of one spouse or future spouse in any property for the community interest of the other spouse or future spouse in other community property then existing or to be acquired, whereupon the portion or interest set aside to each spouse shall be and constitute a part of the separate property and estate of such spouse or future spouse; and the spouses may from time to time, by written instrument, agree between themselves that the income or property from all or part of the separate property then owned by one of them, or which thereafter might be acquired, shall be the separate property of that spouse; and if one spouse makes a gift of property to the other that gift is presumed to include all the income or property which might arise from that gift of property.

Sec. 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 4, 1980. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment allowing spouses to agree that income or property arising from separate property is to be separate property."

Passed by the House on April 10, 1979: Yeas 121, Nays 11, 1 present, not voting; House concurred in Senate amendments to H. J. R. No. 54 on May 23, 1979: Yeas 124, Nays 4, 1 present, not voting; passed by the Senate, as amended, on May 22, 1979: Yeas 26, Nays 0.

Filed without signature.

Filed with the Secretary of State, May 24, 1979.